

REMARKS

Applicants file concurrently herein a Petition and fee for Extension of Time pursuant to 37 C.F.R. § 1.136. Acknowledgment of receipt and acceptance of the Petition and fee is respectfully requested.

The subject application is a divisional of U.S. Application No. 09/484,459, now U.S. Patent 6,625,659. Applicants claim priority from Japanese Application 9713 filed January 18, 1999 and domestic priority from the parent Application No. 09/484,459. The priority document was filed in said parent application. Acknowledgement of Applicants' claim for priority and receipt of the priority document in the parent application is respectfully requested.

An Information Disclosure Statement was filed in this application on June 24, 2003 along with Form PTO/SB/08 A & B. Applicants thank the Examiner for initialing that PTO/SB/08 A & B indicating consideration of the references cited thereon.

Claims 1 and 5 have been examined in this application. Claims 1 and 5 correspond to the non-elected claims 1 and 5 of the parent Application No. 09/484,459. The Examiner has rejected claim 1 on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 1 of parent Application No. 09/484,459, now U.S. Patent No. 6,625,659. This rejection is respectfully traversed.

Pursuant to 35 U.S.C. § 121 and MPEP § 804.01, a double patenting rejection is prohibited in the present instance, specifically where the double patenting rejection is based on the patent issuing on the application with respect to which a requirement for restriction has been made. In other words, it is improper to use a patent, in this case U.S. Patent No. 6,625,659, which issued on the parent application of the divisional application as a reference against the

claims of the divisional application. Therefore, it is respectfully requested that the double patenting rejection be withdrawn.

Claims 1 and 5 have been rejected on formal grounds under 35 U.S.C. § 112 (second paragraph). Applicants have amended claims 1 and 5 without narrowing the claims to overcome the Examiner's objections. As these amendments are non-narrowing they do not indicate an estoppel in regard to equivalence.

In view of the foregoing and the fact that no prior art rejections have been issued against claims 1 and 5, it is respectfully submitted that these claims are allowable and this application is otherwise in condition for allowance. It is therefore respectfully requested that the application be passed to issue at the earliest possible time. If for any reason the Examiner finds the application other than in condition for allowance, he is respectfully requested to call the undersigned attorney at the Washington D.C. telephone number (202) 293-7060 to discuss the steps necessary for placing the application in condition for allowance.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

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